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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/702,431 | 11/07/2003 | Takuya Matsuno | 032032 | 9395 |
| 38834 | 7590 | 06/05/2007 | EXAMINER | |
| WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP | | | DAFTUAR, SAKET K | |
| 1250 CONNECTICUT AVENUE, NW | | | | |
| SUITE 700 | | | ART UNIT | PAPER NUMBER |
| WASHINGTON, DC 20036 | | | 2151 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/702,431 | MATSUNO, TAKUYA |
| | Examiner Saket K. Daftuar | Art Unit 2151 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/07/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7 are presented for the examination.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application has been received.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show Figure 4 elements as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 7 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 6. See MPEP § 608.01(n). Accordingly, the claim 7 not been further treated on the merits.
5. Claims 1-7 are objected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the screen". There is insufficient antecedent basis for this limitation in the claim.

Claims 2-7 depend on claim 1. Therefore, there are insufficient antecedent basis for the same limitation in the claims.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-7 are rejected less than 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of the claims raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35. U.S.C 101.

Claims 1-7 presented as a machine claims that support a plant operation by transmitting and receiving data between the plan operation supporting device and a process controller through a communication bus. It appears that all elements or features of the claimed subject matter of the plant operation device could be implemented in software alone. Therefore, claims are directed towards a non-statutory subject matter since they are not tangible.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-7 , as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Burd et al. U.S. Patent Number 6,961,750 B1 (hereinafter Burd).

As per claim 1, Burd discloses display means for displaying a working operation procedure described in a logic chart format on the screen (see Abstract, Figure 5, column 1, line 30 - column 2, line 15); and executing means for executing the support of the plant operation in accordance with the working operation procedure of the logic chart format displayed on the screen (see Abstract, Figure 2, 5, column 1, line 30 - column 2, line 15, column 4, lines 6-20).

As per claim 2, Burd discloses wherein said display means displays the screen described in one or both of the logic chart format and a flow chart format (see Abstract, Figure 2, 5, column 1, line 30 - column 2, line 15, column 4, lines 6-20); and said executing means executes the support of the plant operation in accordance with the working operation procedure of one or both of the logic chart format and the flow chart format displayed on the screen (see Abstract, Figure 2, 5, column 1, line 30 - column 2, line 15, column 4, lines 6-20).

As per claim 3 , Burd discloses wherein said 2 personal computers transmits and receives process data between the personal computer and said process controller through an interface server (see Abstract, Figure 2, 5, column 1, line 30 - column 2, line 15, column 4, lines 6-20).

As per claim 4 , Burd discloses wherein said personal computer is connected to said interface server through a general-purpose network (see Abstract, Figure 1-2, 5, column 1, line 30 - column 2, line 15, column 4, lines 6-20).

As per claim 5 , Burd discloses wherein said plural personal computers [plurality of user] are connected to said general purpose network (see Abstract, Figure 2, 5, column 1, line 30 - column 2, line 15, column 4, lines 6-20).

As per claim 6 , Burd discloses wherein said interface server transmits and receives said process data between the interface server and a field control station connected through the control bus of a distributed process controller (see Abstract, Figure 1-3, 5-6, column 1, line 30 - column 2, line 15, column 4, lines 6-20).

As per claim 7 , Burd discloses wherein said interface server is constructed within a human interface station connected through the control bus of said distributed process controller (see Abstract, Figure 1-3, 5-6, column 1, line 30 - column 2, line 15, column 4, lines 6-20).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.
 - a. Server-side control objects for processing client-side user interface elements by Burd et al. U.S. Patent Number 6,961,750 B1.
 - b. Test system for testing dynamic information returned by a web server by Taft et al. U.S Patent Number 6,665,634 B2.

c. Communication link for client-server having agent which sends plurality of requests independent of client and receives information from the server independent of the server by Verkler et al. U.S. Patent Number 5,850,517.

11. A shortened statutory period for reply to this action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKD



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER